

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EASTERN DIVISION

No. 05-10849RGS

DOROTHY STANLEY, EXECUTRIX OF THE
ESTATE OF HELEN A. RUNGE,
Plaintiff

v.

WALTER J. KELLY,
KERRY L. BLOOMINGDALE, M.D., and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants

**DEFENDANT WALTER J. KELLY'S LIMITED OPPOSITION TO
PLAINTIFF'S MOTION FOR POSTPONEMENT OF TRIAL**

NOW COMES the Defendant, Walter J. Kelly, and assents to the Plaintiff's motion for postponement of the trial, currently scheduled to begin on April 14, 2004. However, Defendant requests, contrary to Plaintiff's motion, that this Honorable Court not re-schedule this trial for any time in September prior to September 29, 2008, nor October 14-31, 2008. As grounds in support thereof, Defendant states:

1. Plaintiff's counsel contacted Defendant's counsel on Friday, March 28, 2008 to seek assent for Plaintiff's Motion for Postponement of the trial. Defendant's counsel indicated that he would respond no later than noon today (Monday, March 31, 2008). Defendant's counsel wished to discuss availability for re-scheduling prior to Plaintiff's filing. However, Plaintiff filed the subject motion without waiting for Defendant's response.

2. Trial counsel for Defendant Kelly is available beginning September 29, 2008 through the week of October 6, 2008. However, Defendant's counsel has a lengthy

trial firmly scheduled for September 8, 2008 in the United States District Court for the District of Nebraska. Defendant's counsel is also not available October 14 – 31, 2008, due to a trial in Middlesex Superior Court and out-of-state travel plans. Defendant's counsel is available throughout the month of November of 2008.

3. To correct the record, the trial of this matter was previously postponed due to this Honorable Court's schedule, and not because of any of the Defendants.

WHEREFORE, the Defendant, Walter Kelly, respectfully requests that this Honorable Court not reschedule this trial any time in September 2008, prior to September 29, 2008, nor October 14-31, 2008.

Dated: March 31, 2008

Respectfully submitted,

The Defendant,
Walter J. Kelly,
By his attorneys,

s/ Michele Carlucci

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CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on March 31, 2008 I have served a copy of the foregoing by electronic filing.

/s/ Michele Carlucci
Michele Carlucci